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8 **BEFORE THE**  
**BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 908-A

12 **DOUGLAS GERALD STRAW**  
13 **4975 Saratoga Drive**  
**Redding, California 96002**  
14 **Civil Engineer License No. C 57656**

**A C C U S A T I O N**

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

18 1. David E. Brown (Complainant) brings this Accusation solely in his official capacity  
19 as the Executive Officer of the Board for Professional Engineers and Land Surveyors,  
20 Department of Consumer Affairs.

21 2. On or about July 18, 1997, the Board for Professional Engineers and Land Surveyors  
22 issued Civil Engineer License Number C 57656 to Douglas Gerald Straw (Respondent). The  
23 Civil Engineer License was in full force and effect at all times relevant to the charges brought  
24 herein and will expire on December 31, 2011, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board for Professional Engineers and Land  
27 Surveyors (Board), Department of Consumer Affairs, under the authority of the following laws.  
28 All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 6775 of the Code states, in pertinent part, that "[T]he board may reprove, suspend for a period not to exceed two years, or revoke the certificate of any professional engineer registered under this chapter:

"(a) Who has been convicted of a crime substantially related to the qualifications, functions and duties of a registered professional engineer, in which case the certified record of conviction shall be conclusive evidence thereof.

"(b) Who has been found guilty by the board of any deceit, misrepresentation, or fraud in his or her practice.

"(c) Who has been found guilty by the board of negligence or incompetence in his or her practice.

"(d) Who has been found guilty by the board of any breach or violation of a contract to provide professional engineering services.

"(e) Who has been found guilty of any fraud or deceit in obtaining his or her certificate.

"(f) Who aids or abets any person in the violation of any provision of this chapter.

"(g) Who in the course of the practice of professional engineering has been found guilty by the board of having violated a rule or regulation of unprofessional conduct adopted by the board.

"(h) Who violates any provision of this chapter."

5. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

6. Section 118, subdivision (b), of the Code provides that the suspension/expiration/surrender/cancellation of a license shall not deprive the Board/Registrar/Director of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

## BOERO PROJECT

7. In or about early summer of 2003, Respondent entered into an oral contract with Steve and Angelina Boero (Boeros) to prepare a grading plan and obtain the necessary permit for

1 property located at 19658 San Vicente, Redding, CA., to create a level area on the sloped  
2 backyard to build a pool/pool house. In or about August 2004, respondent met with the Boreos to  
3 review the completed plans. Boero discovered that the plans were not in accordance with his  
4 wife's original request in that the dirt pad on the left side of the house needed to be longer to  
5 make room for the pool house. Respondent agreed to make the changes and file the plan with the  
6 City of Redding within thirty days. Respondent presented a bill for \$2,535.75 which was paid by  
7 Boero on August 13, 2004.

8 On or about October 6, 2004, the modified grading plan was submitted to the City of  
9 Redding. The Boeros were billed \$845.25 by Respondent for the work required to make the  
10 revisions. The plan was not approved by the City of Redding as revisions were requested on or  
11 about October 14, 2004 to show the 100-year flood plain and a 15 foot set back. Respondent  
12 advised the City that the modifications would be made and the plans would be resubmitted.

13 In or about December 2004, Boreo contacted respondent after repeated attempts to  
14 determine the status of the plans as respondent had not notified the Boeros the plan had not been  
15 approved. Boreo agreed to pay the \$845.25 invoice plus an additional \$1250.00, which included  
16 \$500 for a hydrologist when the plan was approved.

17 On or about October 17, 2005, Steve Boero gave written notice that the plan needed to be  
18 finished within 20 days. Despite repeated requests to have the plan completed and resubmitted to  
19 the City of Redding, as of December 12, 2005, no revised plan had been submitted to the City of  
20 Redding. Steve Boero wrote to Respondent on the same date and terminated the contract.

21 FIRST CAUSE FOR DISCIPLINE

22 (NEGLIGENCE AND INCOMPETENCE)

23 8. Respondent is subject to disciplinary action under section 6775 (c). The  
24 circumstances are as follows:

25 a. Respondent was negligent in that he failed to use and have executed a written  
26 contract as required by Section 6749 for professional engineering services which he agreed to  
27 provide to the Boeros.

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1           b.     Respondent was incompetent in that he lacked the knowledge to prepare the  
2 Boero grading plan and submit for approval to the City of Redding, including revisions requested  
3 by the City to show the 100-year flood plain for the 15 foot set back and design any retaining  
4 walls to meet this criteria.

5           c.     Respondent was incompetent and/ or negligent in that he lacked the knowledge  
6 and understanding of the magnitude of the Boero project and was unable to estimate the scope of  
7 the work, cost and completion schedule and failed to communicate with the Boeros as to the  
8 status of the plans, including the progress or lack thereof.

9                               SECOND CAUSE FOR DISCIPLINE  
10                              (BREACH OR VIOLATION OF CONTRACT)

11          9.     Respondent is subject to disciplinary action under section 6775 (d). The  
12 circumstances are as follows:

13               Respondent breached his contract to provide professional engineering services by  
14 failing to complete a grading plan and secure a permit for Boero project more than two years after  
15 he contracted to perform the engineering services.

16                              THIRD CAUSE FOR DISCIPLINE  
17                              (VIOLATION OF CHAPTER)

18          10. Respondent is subject to disciplinary action under section 6775 (h) in that respondent  
19 failed to use and have executed as required by Section 6749 a written contract for professional  
20 engineering services which he agreed to provide to the Boeros

21                              PRAYER

22          WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
23 and that following the hearing, the Board for Professional Engineers and Land Surveyors issue a  
24 decision:

25          1.     Revoking or suspending Civil Engineer License Number C 57656, issued to  
26 DOUGLAS EDWARD STRAW.

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1           2.    Ordering DOUGLAS EDWARD STRAW to pay the Board for Professional  
2 Engineers and Land Surveyors the reasonable costs of the investigation and enforcement of this  
3 case, pursuant to Business and Professions Code section 125.3;

4           3.    Taking such other and further action as deemed necessary and proper.  
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7  
8 DATED: \_\_\_\_\_

4/13/10

*Original Signed*

DAVID E. BROWN

Executive Officer

Board for Professional Engineers and Land Surveyors

Department of Consumer Affairs

State of California

*Complainant*

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